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COLUMBIA | GREENVILLE

March 29, 2006

VIA EMAIL & HAND DELIVERED

Mr. Charles Terreni
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Public Service Commission of South Carolina
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Columbia, SC 29210

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**Re: PUPS - 811
Docket No. 2005-390-C
Our File No. 16094-0008**

Dear Mr. Terreni:

Enclosed for filing please find the Testimony of James Glyn Smith which we are filing on behalf of Palmetto Utility Protection Services, Inc. By copy of this letter we are serving the same on all parties of record. Please stamp the extra copy provided as proof of filing and return it with our courier.

Very truly yours,

ROBINSON, MCFADDEN & MOORE, P.C.

Bonnie D. Shealy
Bonnie D. Shealy

/bds

Enclosure

cc/enc: Ms. Rhonda Dotman, PUPS (via email & U.S. Mail)
Nanette S. Edward, ORS Staff Attorney (via email & U.S. Mail)
Florence P. Belser, ORS General Counsel (via email & U.S. Mail)
Patrick W. Turner, BellSouth General Counsel (via email & U.S. Mail)
Scott Elliott, Esquire (via email & U.S. Mail)
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Ms. Daphne Dukes (via email)

BEFORE
THE PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA

DOCKET NO. 2005-390-C

IN RE:

APPLICATION OF PALMETTO UTILITY
PROTECTION SERVICES, INC. FOR
ASSIGNMENT OF THE 811
ABBREVIATED DIALING CODE IN
SOUTH CAROLINA

TESTIMONY OF JAMES GLYN SMITH

ON BEHALF OF

PALMETTO UTILITY PROTECTION SERVICES, INC.

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1 Q. PLEASE STATE YOUR NAME AND BUSINESS ADDRESS.

2 A. My name is James Glyn Smith and my business address is 810 Dutch Square

3 Boulevard, Suite 320, Columbia, South Carolina 29210. My telephone number is

4 (803) 939-1117.

5 Q. BY WHOM ARE YOU EMPLOYED AND IN WHAT CAPACITY?

6 A. I am the Executive Director of Palmetto Utility Protection Services, Inc. ("PUPS").

7 Q. DESCRIBE PUPS FOR THE COMMISSION.

8 A. PUPS is the South Carolina one-call notification system created by its members

9 to provide advance notice of excavation activities to underground facilities

10 operators in compliance with the South Carolina Underground Utility Damage

11 Prevention Act, S.C. Code Section 58-5-10 *et seq* ("SC Act"). PUPS is a non-

12 profit eleemosynary corporation organized under section 501(c)(6) of the Internal

13 Revenue Code on March 15, 1978.

14 Q. ARE THERE ANY OTHER ONE CALL NOTIFICATION SYSTEMS IN SOUTH

15 CAROLINA?

16 A. No.

17 Q. WHAT IS THE PURPOSE OF YOUR TESTIMONY?

18 A. The purpose of my testimony is to support our application for assignment of the

19 "811" abbreviated dialing code to PUPS in South Carolina in order to comply with

20 the Federal Communication Commission's *Sixth Report and Order*, in CC Docket

21 No. 92-105, FCC 05-59, released March 14, 2005 ("FCC Order"). 47 CFR Part

22 52. The FCC Order designates "811" as the national abbreviated dialing code to

1 be used by state one-call systems such as PUPS in order to comply with the
2 Pipeline Safety Improvement Act of 2002, PL 107-355.

3 Q. PLEASE DESCRIBE THE SERVICES PROVIDED BY PUPS TO ITS
4 MEMBERS.

5 A. PUPS provides a notification service that enables contractors, utilities, members,
6 and the general public to notify PUPS members prior to excavation in their
7 service areas. Before beginning any excavation or demolition operations, each
8 person responsible for the excavation or demolition must give advance notice of
9 their intent to excavate. The notice must be given not less than three, but no
10 more than ten full working days prior to excavation to those with underground
11 utilities in the area. PUPS was formed by South Carolina utilities to serve as a
12 centralized location for receiving notice and delivering notice its members. See
13 S.C. Code § 58-35-60(a). The S.C. Act specifies that the following information
14 must be provided by the excavator:

15 name, address, and telephone number of the person filing the
16 notice of intent, and if different, the person responsible for the
17 excavation or demolition, the starting date, anticipated duration,
18 and type of excavation or demolition operation to be conducted, the
19 location of the proposed excavation or demolition, and whether or
20 not explosives are to be used.

21
22 S.C. Code § 58-35-60(b).

23
24 There are currently three ways that excavators can contact PUPS to give
25 the required notice. First, excavators use a toll-free telephone number to call the
26 central service center at least three working days prior to the commencement of
27 an excavation. Excavators may also fax the information to PUPS or contact
28 PUPS through its Internet website. Affected members of PUPS are contacted

1 and then the members mark the location of their underground facilities, if any,
2 within three working days of the receipt of the notice of the intended excavation.

3 Q. WHAT ARE THE HOURS OF OPERATION FOR THE PUPS CALL
4 CENTER?

5 A. The PUPS call center operates from 7:30 a.m. to 5:30 p.m., Monday through
6 Friday, excluding holidays. Excavators can send PUPS notice 24 hours per day,
7 7 days per week, via PUPS' website or by facsimile. Excavators may also be
8 trained by PUPS as remote users of PUPS' computerized system and can enter
9 the required information 24/7. Since the S.C. Act requires advance notice at least
10 three full working days, PUPS is not required to be fully operational 24 hours per
11 day, 7 days per week. The majority of PUPS' members are not open and
12 available to process the notices received 24 hours per day. The 72 hour notice
13 period is based on "working days" which excludes weekends and holidays.

14 Q. HOW MANY UNDERGROUND FACILITY OWNERS ARE PUPS MEMBERS?

15 A. We currently have over 200 members. Attached as Exhibit 1 is a current list of
16 PUPS members.

17 Q. HOW MANY NOTIFICATION REQUESTS DOES PUPS PROCESS ON AN
18 ANNUAL BASIS?

19 A. Approximately 710,000 requests are processed annually. The services provided
20 by PUPS have been instrumental in the prevention of damage to buried facilities
21 across South Carolina since 1978 when PUPS first began operations.

22 Q. WHAT STEPS HAS PUPS TAKEN TO IMPLEMENT THE FCC'S ORDER?

23 A. The FCC Order provided the One Call Centers must provide to carriers its toll-

1 free number or any number that is not an IntraLATA toll call from the area to be
2 served to ensure that calls are toll-free. FCC Order, ¶ 13. PUPS has obtained a
3 second toll-free telephone number to implement the FCC order and to comply
4 with its requirement that calls to PUPS from excavators are toll free. The "811"
5 traffic will be routed to the new toll-free telephone number to track volume usage
6 and detail. The "811" system will require translation of the new toll-free telephone
7 number to recognize an "811" call.

8 Q. HOW DOES PUPS PAY FOR THE CURRENT 800 NUMBER SERVICE USED
9 BY EXCAVATORS TO REACH PUPS?

10 A. PUPS is funded by participating utility companies and municipalities. Fees are
11 based on the concept of reimbursement of PUPS annual expenses. Each
12 participating member pays rates established by the PUPS Board of Directors.
13 The current 800 number service is part of the annual expense paid for by all
14 members.

15 Q. WILL WIRELESS END USERS BE ABLE TO DIAL "811" AND REACH PUPS?

16 A. The FCC Order mandates that "811" shall be deployed ubiquitously by all
17 carriers, including wireline, wireless, and payphone service providers. FCC
18 Order, ¶ 27.

19 Q. HAVE ANY WIRELESS CARRIERS CONTACTED PUPS CONCERNING
20 DEPLOYMENT OF "811"?

21 A. Yes. Verizon Wireless has reached an agreement with One Call Systems
22 International on behalf of the One Call Centers in the United States, including
23 PUPS, concerning national deployment of "811" throughout the country where

1 Verizon Wireless provides service. Verizon agreed to implement "811" without
2 contract and without charge if it can do so in a coordinated, national effort as
3 outlined in the correspondence attached as Exhibit 2.

4 Q. WHAT IS THE DEADLINE FOR ACCESS TO THE "811" NUMBER?

5 A. The FCC Order requires the use of 811 within two years after publication of the
6 Order in the Federal Register. The FCC Order was published in Volume 70 of the
7 Federal Register on April 13, 2005. Therefore, implementation must be complete
8 by April 2007. The FCC Order acknowledged that many carriers currently use
9 811 to allow the general public to make free repair calls and indicated that where
10 811 has been used by customers for other purposes, changing the use of that
11 number will require more robust customer education, changes to phone books,
12 and changes in methods and procedures. As a result, the FCC mandated a two
13 year transition period to clear 811 of other existing uses, provide customer
14 education and ensure that there is no unreasonably abrupt disruption of the
15 existing uses. FCC Order, ¶¶ 18-19. PUPS target date to access the 811 number
16 is the first quarter of 2007.

17 Q. ARE THERE OPERATIONAL ISSUES FOR PUPS WITH RESPECT TO THE
18 IMPLEMENTATION OF THE 811 SERVICE?

19 A. Yes. As I discussed above, PUPS is a non-profit entity formed by various utilities
20 to process notices of underground construction. In order to defray the cost of
21 operating the one-call center we impose a charge on our members on a per
22 notice basis. We go through a budgeting process in order to arrive at the charge.
23 In order for us to be able to budget for any charges that may be associated with

1 the 811 implementation we need to know as soon as possible what charges may
2 be requested by the carriers. We have attempted to learn what charges may be
3 proposed by the various telephone companies but at this point we don't have
4 very much of the information we will need.

5 Q. WHEN DO YOU NEED THE COST INFORMATION IN ORDER TO BUDGET
6 FOR THESE EXPENSES IN AN ORDERLY MANNER?

7 A. We need the cost information no later than June 30, 2006.

8 Q. DOES PUPS SEEK A RULING FROM THIS COMMISSION IN THIS
9 PROCEEDING ON WHAT MAY BE CHARGED BY WIRELINE AND WIRELESS
10 CARRIERS FOR IMPLEMENTATION OF THE FCC'S 811 PLAN?

11 A. No. We need to see what the carriers may propose to charge first. As described
12 in my testimony, Verizon Wireless has agreed to implement the 811 plan without
13 charge to PUPS. At this point we simply don't know what other companies may
14 propose to charge. We hope that we will be able to reach agreement with other
15 companies as was done with Verizon Wireless.

16 Q. IS THERE ANYTHING ELSE THAT PUPS NEEDS FROM THE WIRELESS AND
17 WIRELINE CARRIERS?

18 A. Yes. We will need a contact person from every company so that we can
19 coordinate implementation of the 811 project.

20 Q. DOES THAT CONCLUDE YOUR TESTIMONY?

21 A. Yes.

**BEFORE
THE PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA
DOCKET NO. 2005-390-C**

In Re:

Application of Palmetto Utility
Protection Services, Inc. for
Assignment of the 811 Abbreviated
Dialing Code in South Carolina

CERTIFICATE OF SERVICE

This is to certify that I, Lori W. Foy, a legal assistant with the law firm of Robinson, McFadden & Moore, P.C., have this day caused to be served upon the person(s) named below **Testimony of James Glyn Smith on Behalf of Palmetto Utility Protection Services, Inc.** in the foregoing matter by placing a copy of same in the United States Mail, postage prepaid, in an envelope addressed as follows:

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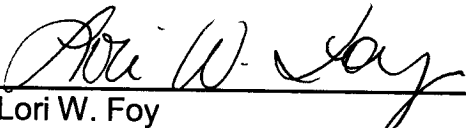
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Dated at Columbia, South Carolina this 29th day of March, 2006.


Lori W. Foy